

### **REMARKS/ARGUMENTS**

The Applicant originally submitted Claims 1-11 in the application. In a previous response, the Applicant amended Claim 5 to correct an insufficient antecedent basis asserted by the Examiner. In the present response, the Applicant has amended Claims 1-9 and 11 and added Claims 12-20. Support for the amendment can be found on page 2, line 5, to page 4, line 11; page 7, line 32, to page 8, line 4; and Figures 1a, 1b and 2. Accordingly, Claims 1-20 are currently pending in the application.

#### **I. Rejection of Claims 1-11 under 35 U.S.C. §101**

The Examiner has rejected Claims 1-11 under 35 U.S.C. §101 for being directed to non-statutory subject matter. In response, the Applicant has amended independent Claims 1 and 6 to clearly indicate that Claim 1 is directed to a new and useful process and Claim 6 is directed to a new and useful machine. As such, independent Claims 1 and 6 and Claims dependent thereon are directed to statutory subject matter. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §101 rejection of Claims 1-11 and allow issuance thereof.

#### **II. Rejection of Claims 1 and 6 under 35 U.S.C. §112**

The Examiner has rejected Claims 1 and 6 under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In response, the Applicant has amended Claims 1 and 6 to more clearly indicate the subject matter of each claim. As such, the Applicant respectfully requests the Examiner to withdraw the §112, second paragraph, rejection of Claims 1 and 6 and allow issuance thereof.

### III. Rejection of Claims 1-2 and 5-7 under 35 U.S.C. §103

The Examiner has rejected Claims 1-2 and 5-7 under 35 U.S.C. §103(a) as being unpatentable over a web article entitled "Javascript Dynamic Text Area Counter" by Nannette Thacker in view of U.S. Patent No. 6,473,104 to Harris. The Applicant respectfully disagrees.

Thacker provides a counter indicating the number of remaining characters that can be entered in a text area. (*See* page 1.) As recognized by the Examiner, the counter in Thacker is not a graphic element to visually represent a remaining capacity for concurrently processing a predefined maximal number of data entered in an edit field as recited in independent Claims 1 and 6. To cure this deficiency, the Examiner cites Harris.

Harris relates to a slider control for a graphic user interface. (*See* column 1, lines 6-7.) Harris provides a slider control for a viewport in which information is displayed. The information is divisible into a series of information vectors (*i.e.*, a line is a horizontal vector) of varying lengths, at least some of whom are longer than the length of the viewport in a direction parallel to these vectors. The slider control is displayed orthogonally to these vectors and is adapted to display the degree to which these vectors exceed this length of the viewport. In a preferred embodiment, the excess length information is conveyed by varying the width of the vertical slider/scroll bar depending upon the length of the horizontal items currently visible within the viewport. (*See* column 3, lines 21-33 and Figure 3C.)

Thus, while Harris teaches a visual display, the visual display does not represent a remaining capacity for concurrently processing a predefined maximal number of data entered in an edit field. On the contrary, the visual display represents the degree to which a line exceeds the length

of a viewport. (See column 1, lines 6-29.) Thus, Harris does not teach or suggest a graphic element to visually represent a remaining capacity for concurrently processing a predefined maximal number of data entered in an edit field as recited in independent Claims 1 and 6 and, therefore, does cure the noted deficiency of Thacker.

Additionally, there is no suggestion or teaching in either Thacker or Harris to motivate one of ordinary skill in the art to modify or combine the teachings of Thacker and Harris. On the contrary, Thacker is directed to a simple text area counter and provides no suggestion of visually representing the counter via a graphic element. Harris, on the other hand, is directed to viewports and visually representing the degree to which a line exceeds a viewport. Harris, therefore, is not even concerned with a remaining capacity of a text area but instead is directed to providing a visual representation when a line exceeds a portion of a viewport.

The cited combination of Thacker and Harris, therefore, does not teach or suggest each element of independent Claims 1 and 6. Moreover, neither Thacker nor Harris provide a suggestion or motivation to modify or combine each teachings. As such, the cited combination does not provide a *prima facie* case of obviousness of independent Claims 1 and 6 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103 rejection with respect to Claims 1-2 and 5-7 and allow issuance thereof.

#### **IV. Rejection of Claims 3-4 and 8-9 under 35 U.S.C. §103**

The Examiner has rejected Claims 3-4 and 8-9 under 35 U.S.C. §103(a) as being unpatentable over Thacker in view of Harris and in further view of U.S. Patent No. 5,301,348 to Jaaskelainen. The Applicant respectfully disagrees.

As discussed above, Thacker and Harris do not teach or suggest a graphic element to visually represent a remaining capacity for concurrently processing a predefined maximal number of data entered in an edit field as recited in independent Claims 1 and 6. Jaaskelainen has not been cited to cure the above deficiency of Thacker and Harris but to teach the subject matter of the above dependent Claims. Additionally, Jaaskelainen does not teach or suggest a graphic element to visually represent a remaining capacity for concurrently processing a predefined maximal number of data entered in an edit field but instead is directed to providing an icon which dynamically marks the progress of a monitored computer task by displaying the icon to a computer user to keep him informed of the task progress. (See column 1, lines 8-14.) Since the cited combination of Thacker, Harris and Jaaskelainen does not teach or suggest each and every element of independent Claims 1 and 6, the cited combination does not provide a *prima facie* case of obviousness of Claims 1 and 6 and Claims that depend thereon. Dependent Claims 3-4 and 8-9, therefore, are not unpatentable in view of Thacker, Harris and Jaaskelainen. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of dependent Claims 3-4 and 8-9 and allow issuance thereof.

**V. Rejection of Claims 10-11 under 35 U.S.C. §103**

The Examiner has rejected Claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over Thacker in view of Harris and in further view of U.S. Patent No. 6,097,390 to Marks. The Applicant respectfully disagrees. As discussed above, the cited combination of Thacker and Harris does not teach or suggest a graphic element to visually represent a remaining capacity for concurrently processing a predefined maximal number of data entered in an edit field as recited in independent Claim 6. Marks has not been cited to cure the above deficiency of Thacker but to teach the subject matter of the above dependent Claims. Additionally, Marks does not teach or suggest a graphic element to visually represent a remaining capacity for concurrently processing a predefined maximal number of data entered in an edit field but instead provides a progress-indicating pointer in a graphical user interface. (*See* column 1, lines 6-8.) Since the cited combination of Thacker, Harris and Marks does not teach each and every element of independent Claim 6, Thacker, Harris and Marks does not provide a *prima facie* case of obviousness of Claim 6 and Claims that depend thereon. Dependent Claims 10-11, therefore, are not unpatentable in view of the cited combination. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of dependent Claims 10-11 and allow issuance thereof.

**VI. Conclusion**

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-20.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "J. Joel Justiss", is written over the printed name.

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